UNITED STATES PATENT AND TRADEMARK OFFICE

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10/792,255	03/02/2004	Trent M. Thomas	114048-23	3967

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ART UNIT	PAPER NUMBER
2192	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/792,255	THOMAS ET AL.
	Examiner	Art Unit	
	ZHENG WEI	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 April 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _19,21-30,40 and 41_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _19, 21-30, 40 and 41_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _02 March 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

Detailed Action

Remarks

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the

fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous

Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 04/22/2008 has been entered.

2.   This office action is in response to the amendment filed on 04/22/2008.

3.   Claims 19 and 21-30have been amended.

4.   Claim 20 has been cancelled.

5.   Claims 40 and 41 have been added.

6.   Claims 19, 21-30, 40 and 41 remain pending and have been examined.

Response to Arguments

7.   Applicant's arguments filed on 04/22/2008 with respect to claims rejection have

been fully considered:

   ▪ At page 10, last paragraph, the Applicants submit that Redford fails to teach

      or suggest providing from the task disk control file a list of the plurality of

      (user-selectable) software program. Because the file "DISGOKEY.EXE" is not

      a "software program", but a "key file" and the program files are not user-

selectable (see for example, last 4 lines of page 11- the first paragraph of

p.12).

However, the Examiner respectfully disagrees.

Redford also discloses a file DISGO.BAT contains a sequence of application

start-up instructions to be executed to start an application for using selections

encoded in the inserted storage media (see for example, col.7, lines 49-62)

and the automatically started application can also be an application for

displaying selections encoded on a storage media (see for example, col.11,

lines 30-32). Therefore, Redford does disclose the limitation about providing

from the task disk control file (DISGO.BAT) a list of the plurality of software

program and the program can be user-selectable.

- At page 12, third paragraph, the Applicants argue that Redford fails to teach

  or suggest managing a plurality of user-selectable software programs,

  including providing special instructions in a plurality of control sub-files

  corresponding to the plurality of software programs, wherein the plurality of

  control sub-files is located on the storage media and the special instructions

  in each task disk control sub-file include configuration information, software

  launching information, data file storage information, and clean-up information.

  Because Redford discloses the management of a single application controlled

  by an autostart driver suing DSIGOKEY.EXE and DISGO.BAT files and

  embodiments of the present invention provider for a control sub-file

  associated with each of a plurality of user selectable software programs.

However, as Redford disclosed "An automatically started application can also

be an application for displaying selections encoded on a storage media (see

for example, col.11, lines 30-32) and "every file having the second

predetermined name (such as DISGO.BAT) contains a sequence of

application start-up instructions to be executed to start an application for

using selections encode in the inserted storage media (see for example,

col.7, lines 49-53). Therefore, it is obvious that the display selection encoded

on the storage media can be the different application profile files e.g. different

DISGO.BAT files when executed can display different selections as disclosed

at FIG.3D.

- At page 13, last 5 lines of the first paragraph, the Applicants argue that

Redford fails to teach or suggest transferring files and configuring, wherein

said transferring and said configuring changes the computer device from a

first state to a second state.

However, Redford discloses that the steps to load/transfer electronic content

from storage media to RAM (see for example, Fig.3B1, step 351 and 353 and

related text) and accordingly changes the computer device from a first state

(before setup) to a second state (after setup).

- At page 13 , last line and page 14 , first paragraph, the Applicants submit that

Redford does not discloses removing files for computer device accordance

with the clean-up information. Because "no files are copied, and only the

random access memory is being cleared" (see for example, the last 2 lines of

page 13)

However, it should be noted that claim language does not have limitation

about "no files are copied, and only that random access memory is being

cleared" as the Applicants argued.

Redford discloses "user read profile data" (configuration) to load electronic

content from inserted storage media to RAM (see for example, Fig.3B1, step

351 and 353 and related text) and further discloses <u>unload the loaded</u>

<u>electronic content</u> by releasing portions of random access memory occupied

in step 353 to return the computer device to the original state. Therefore,

Redford does disclose said limitation as the Applicants argued.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 19, 21-30, 40 and 41 are rejected under 35 U.S.C. 103(a) as being

unpatentable by <u>Redford</u> (Redford et al., US 5,711,672) in view of Owens

(Owens et al., US 5,555,416)

Claim 19:

Redford discloses a method of managing a plurality of user-selectable software

programs for use with a computer device in accordance with a task disk control

file contained on storage media external to or removable from the computer

device, said method comprising:

- Detecting an insertion of the storage media into the computer device (see for

  example, Fig.1D, step 113 and 115 and related text)

- activating the storage media to establish communication with the computer

  device (see for example, Fig.1D, step 113, 115, "interrupts" and related text);

- providing from the task disk control file a list of the plurality of software

  programs located on the storage media (see for example, ;

- selecting one of the plurality of software programs for execution, wherein a

  user performs said selecting (see for example, col.7, lines 49-62; also see

  col.11, lines 30-32 and related text)

- providing special instructions in a plurality of task disk control sub-files

  corresponding to the plurality of software programs, wherein the plurality of

  task disk control sub-files is located on the storage media, and the special

  instructions in each task disk control sub-file include configuration information,

  software launching information, and data file storage information (see for

  example, Fig.1D, step 117, "Is DSIGOKEY.exe present in removable storage

  media peripheral which caused interrupt?"). But does not explicitly disclose

  including clean-up information. However, Redford also discloses Fig.3B1 and

Fig.3B2 which have unload and/or optionally restore steps. Therefore, it has to have the clean-up information involved to direct the autostart driver to perform these steps.

- transferring files specified in the configuration information and configuring the computer device in accordance with the configuration information, wherein said transferring and said configuring changes the computer device from a first state to a second state execution (see for example, Fig.3B1 steps 351, 353 and related text);

- launching the selected software in accordance with the software launching information (see for example, Fig.1D, step 129, "Execute X:\DISGO.bat" and related text);

- monitoring events to determine various stages in the operation of the selected software (see for example, Fig.3B1, step 339, "Check if status of current peripheral has changed?" and related text; also see steps 378-385 about removing current peripheral); and

- unconfiguring the computer device upon termination of the software program by removing files transferred to the computing device and configuration settings in accordance with the clean-up information to essentially return the computer device to the first state (see for example, Fig.3B1, steps 378-385 about removing current peripheral)

But does not explicitly disclose determining that the control file indicates the presence of the plurality of software programs located on the storage media.

However, <u>Owens</u> in the same analogous art of automated software installation

and operating environment configuration, discloses the same feature about

determining the installation programs/files on the storage media (pre-install class,

an install class or a post-install class) according to the control file (rules file) (see

for example, Fig.2, items 30', 36', 38' and related text; also see Fig.5, steps 68,

70, 72, 74 and 76 and related text). Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to verify the

execution condition including the presence of installation files on the storage

media in order to pick different execution paths according to the presence of the

installation files. One would have been motivated to do so to select the correct

solution by determining or verifying all the installation files (see for example,

Fig.5, steps 68, 70, 72, 74 and 76 and related text)

Claim 21:

<u>Redford</u> further discloses the method of claim 20, wherein the list of software

programs only includes the programs having a corresponding control file

information (see for example, Fig.1D, step 129, "Execute X:\DISGO.bat" and

related text).

Claim 22:

<u>Redford</u> also discloses the method of claim 19, further comprising copying one or

more files to said computer device to create said second state, wherein the files

include one or more of the following: linked library files, device drivers, path

information, environmental information, and registry entries (see for example,

Fig.3B1, steps 345-353 about reading an identifier, flagging current peripheral

and loading application to memory and relate text).

Claim 23:

Redford further discloses the method of claim 22, wherein said unconfiguring

step comprises removing all files copied to create said second state (see for

example, Fig.3B1, steps 378-385 about unloading and restoring computer device

and related text).

Claim 24:

Redford also discloses the method of claim 19, further comprising: selecting a

plurality of software programs for execution; configuring the computer device for

each of the plurality of software programs selected by copying one or more files

to said computer device, wherein the files include one or more of the following:

linked library files, device drivers, path information, environmental information,

and registry entries information (see for example, Fig.1D, step 129, "Execute

X:\DISGO.bat" and related text about DSIGO.bat file).

Claim 25:

Redford also discloses the method of claim 24, further comprising unconfiguring

the computer device upon termination of each of the executed software programs

by removing any files copied during configuration and any new files created

during execution of each terminated software program (see for example, Fig.3B1,

steps 378-385 about unloading and restoring computer device and related text).

Claim 28:

Redford also discloses the method of claim 19, wherein the storage media

comprises an optical drive (see for example, Fig.3A, element 220, "CD ROM

DRIVE").

Claim 29:

Redford also discloses the method of claim 19, wherein the storage media

comprises a removable magnetic media drive (see for example, Fig.3A, element

213, "FLOPPY DISK DRIVE").

Claims 26 and 27

Redford and Owens disclose the computer-readable media of claim 19 above,

but does not explicitly disclose wherein the computer-readable medium

comprises a CompactFlash/flash memory drive. However, it is well known in the

computer art that CompatFlash(CF) is a type of data storage device used in

portable electronic devices by using flash memory in a standardized enclosure. It

is first specified and produced by ScanDisk in 1994 and had been widely used for

a variety of devices when this invention was made. Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made

to use CompactFlash/flash memory drive as a portable data storage media to

save software, data and instruction file as Redford disclosed.

Claim 30

Redford and Owens discloses the computer-readable medium of claims 19

above, but does not explicitly disclose wherein the computer-readable medium

comprises an external hard disk drive. However, it is well known in the computer

art that external hard disk drive as a portal data storage media can be used to

save/store computer readable data information. Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made

to use external hard disk drive to store the instructions as Redford disclosed for

automatically starting execution and ending execution of process from a

removable storage media.

Claims 40 and 41:

Redford and Owens disclose the method of claim 19, but do not explicitly

disclose wherein said selecting is performed by the user using a text-based or

graphical user interface menu. However, Redford also discloses the features

"wait for button code", "First Button Pressed?", "Display First Selection" Which

implies that there is a user interface for receiving user inputs (see for example,

Fig.3D and related text). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to implement said user

interface using text-based or graphical options.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Zheng Wei whose telephone number is (571)

270-1059 and Fax number is (571) 270-2059. The examiner can normally be

reached on Monday-Thursday 8:00-15:00.

        If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

        Any inquiry of a general nature of relating to the status of this application

or proceeding should be directed to the TC 2100 Group receptionist whose

telephone number is 571- 272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. W./

Examiner, Art Unit 2192

/Eric B. Kiss/
Eric B. Kiss
Primary Examiner, Art Unit 2192